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July 21, 2004

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JUL 21 2004

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

**By Hand**

Marlene H. Dortch  
Secretary  
Federal Communications Commission  
236 Massachusetts Avenue, N.E.  
Suite 110  
Washington, D.C. 20002

Re: Amendment of Sections 73.606(b),  
Table of Allotments, Television Broadcast Stations;  
and 73.622(b), Table of Allotments  
Digital Television Stations,  
(Portsmouth and Ironton, Ohio)  
MB Docket No. ; RM -

Dear Ms. Dortch:

Transmitted herewith on behalf of Television Properties, Inc. are an original and four copies of a Petition for Rule Making in the above-referenced proceeding.

Should any questions arise concerning this matter, please communicate directly with the undersigned.

Very truly yours,

DICKSTEIN SHAPIRO MORIN  
& OSHINSKY LLP

Attorneys for  
Television Properties, Inc.

By:   
Andrew S. Kersting

Enclosures

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TV-MB  
04-137

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

**RECEIVED**

**JUL 21 2004**

**FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY**

In the Matter of )

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)  
Amendment of Sections 73.606(b), )  
Table of Allotments, )  
Television Broadcast Stations; )  
and 73.622(b), )  
Table of Allotments, )  
Digital Television Stations )  
(Portsmouth and Ironton, Ohio) )

MB Docket No. \_\_\_\_\_  
RM – \_\_\_\_\_

To: Chief, Video Division  
Media Bureau

**Petition for Rule Making**

TELEVISION PROPERTIES, INC.

Andrew S. Kersting  
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& OSHINSKY LLP  
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Its Attorneys

July 21, 2004

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**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

In the Matter of	)	
	)	
Amendment of Sections 73.606(b),	)	MB Docket No. _____
Table of Allotments,	)	RM – _____
Television Broadcast Stations;	)	
and 73.622(b),	)	
Table of Allotments,	)	
Digital Television Stations	)	
(Portsmouth and Ironton, Ohio)	)	
To: Chief, Video Division		
Media Bureau		

**Petition for Rule Making**

Television Properties, Inc. ("Petitioner"), licensee of Station WHCP(TV), Channel 30, Portsmouth, Ohio, and permittee of paired digital television station WHCP-DT, Channel 17 (collectively referred to herein as "WHCP"),<sup>1</sup> by its attorneys and pursuant to Sections 1.420, 73.606, and 73.622 of the Commission's rules, hereby petitions the Commission to amend the respective analog and digital Table of Allotments (Sections 73.606(b) and 73.622(b) of the Commission's rules) by changing WHCP's community of license from Portsmouth to Ironton, Ohio, and exchanging its NTSC and DTV allotments. Specifically, Petitioner requests that the Commission amend Sections 73.606(b) and 73.622(b) as follows: (1) substitute NTSC Channel 17 for NTSC Channel 30 at Portsmouth and reallocate NTSC Channel 17 to Ironton, Ohio; (2) substitute DTV Channel 30 for DTV Channel 17 at Portsmouth and reallocate DTV Channel 30 to Ironton, Ohio; and (3) modify WHCP's analog and digital authorizations to specify Ironton as the station's new community of license. A grant of this petition ("Petition") will provide the

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<sup>1</sup> Unless a distinction is otherwise warranted, WHCP's analog and digital facilities will be collectively referred to herein as "WHCP."

community of Ironton with its first local television service. In support of this Petition, the following is stated:

## **I. Introduction and Summary.**

As demonstrated herein, the city of Ironton is an established community that warrants the allotment of a first local transmission service. Petitioner's proposal to change WHCP's community of license from Portsmouth to Ironton and exchange the station's analog and digital allotments complies with Section 1.420(i) of the Commission's rules as well as the Commission's community coverage and interference requirements.

A grant of this Petition would promote the objectives of Section 307(b) of the Communications Act of 1934, as amended (the "Communications Act"), by providing the community of Ironton with its first local television service. In addition, adoption of this proposal would serve the second television allotment priority of providing each community with its own television station. The reallocation proposal also would permit WHCP's analog and digital facilities to provide substantially improved and expanded service to the residents of Ironton and the station's surrounding service area. Therefore, the Commission should adopt Petitioner's allotment proposal and amend Sections 73.606(b) and 73.622(b) of the rules as proposed herein.

## **II. WHCP's Proposal is Not Subject to Competing Expressions of Interest and Would Provide Ironton With its First Local Television Service.**

In accordance with *Modification of FM and TV Authorizations to Specify a New Community of License*, 4 FCC Rcd 4870 (1989), *recon.*, 5 FCC Rcd 7094 (1990), a proposal to change a station's community of license must be mutually exclusive with the station's current authorization and the proposed new community of license must be preferred under the Commission's allocation priorities. The proposal to reallocate WHCP to Ironton is mutually exclusive with its existing licensed facility in Portsmouth. Therefore, the Commission may

implement the reallocation proposal without affording other parties the opportunity to file competing expressions of interest.

Section 307(b) of the Communications Act requires the Commission to provide a “fair, efficient and equitable distribution of radio service” to the various cities and communities across the country. The priorities for distributing television stations across the country are as follows: (1) to provide at least one television service to all parts of the United States; (2) to provide each community with at least one television broadcast station; (3) to provide a choice of at least two television services to all parts of the United States; (4) to provide each community with at least two television broadcast stations; and (5) to assign any remaining channels to communities based on population, geographic location, and the number of television services available to the community from stations located in other communities. *Sixth Report and Order* in Docket Nos. 8736 *et al.*, *Amendment of Section 3.606 of the Commission’s Rules and Regulations*, 41 FCC 148, 167 (1952) (“*Television Allocation Order*”).

### **III. The Community of Ironton Has a Rich History that Warrants the Allotment of a First Local Television Service.**

#### **A. Existing FM Allotment.**

Ironton, Ohio is an established community that warrants the allotment of a first local television service. Indeed, the Commission has already allocated an FM service to Ironton which establishes that it fully satisfies the Commission’s definition of “community” for allotment purposes. *See Revision of FM Broadcast Rules, Particularly as to Allocation and Technical Standards, et al.*, 40 FCC 747, 775 (1963) (allocating, *inter alia*, Channel 296A to Ironton, Ohio).<sup>2</sup>

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<sup>2</sup> Station WBKS(FM) is licensed to Ironton, Ohio.

B. Community Indicia.

Ironton is an incorporated community which is the county seat of Lawrence County, Ohio. Ironton has a 2000 U.S. Census population of 11,211.<sup>3</sup> Ironton has a mayor/city council form of government. The city also has its own post office, zip code (45638), and daily newspaper, the *Ironton Tribune*.<sup>4</sup> Ironton operates its own police department with 14 full-time officers and five (5) dispatchers. Ironton also has its own fire department with 17 full-time paid employees. There are no part-time or volunteer firefighters on the Ironton fire department's staff. *See Exhibit A.*

The Ironton city government has the following offices: Building Department, Building Officer, Detective Bureau, City Engineer, Filtration Plant, Garbage Department, Health Department, Income Tax Division, Public Playground, Water District, Water Works Office, and Water Plant. *See Exhibit A.* Other government offices that are located in Ironton include the Bureau of Motor Vehicles, Coal Grove Water Works, South Point Water Works and Sewage, Elizabeth Township Trustees, Group & Shelter Home, Highway Patrol-Drivers Exam, the Finance Department, and the Disaster Services Agency. *See Exhibit A.* In addition to the Police Department, other city law enforcement offices include the Detective Bureau and the Ironton City Civil Defense. *See Exhibit A.*

As the seat of Lawrence County, Ironton is home to many Lawrence County offices, including the following: Health Department, Auditor, Treasurer, Engineer, Recorder, Education Service Center, Ag Extension, Auto-Title, Board-Election, Flood Plain, Dog Warden, COAD-Foster Grandparents, Juvenile Foster Home, Coroner, and Dog Shelter. The Lawrence County Civil Defense and the Sheriff's Office are also located in Ironton. *See Exhibit A.*

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<sup>3</sup> Portsmouth has a 2000 census population of 20,909. However, Portsmouth has a July 1, 2003 estimated population of only 19,913, which represents a 4.8% decline from its 2000 census figure.

<sup>4</sup> The *Ironton Tribune* has an average weekday circulation of 5,228.

There are several city and county courts located in Ironton, including the following: Ironton City Municipal Court, Lawrence County Juvenile Court, Lawrence County Probate Court, Common Pleas Court. *See Exhibit A.*

The city is served by the Ironton City School District which includes the following public schools: West Ironton Kindergarten, Kingsbury Elementary, Whitwell Elementary, Ironton Junior High, Ironton Middle School, and Ironton High School. Other schools within the Ironton community are Dawson-Bryant Elementary, Dawson-Bryant Intermediate School, Dawson-Bryant High School, Rock Hill Elementary, Rock Hill Intermediate, Rock Hill High School, Moniter Elementary School, St. Joseph School, St. Lawrence School, Tri-State Industries, West Ironton School, and Ohio University-Southern Campus. *See Exhibit A.*

Ironton also is served by three libraries: the Briggs Lawrence County Library, which has two locations in Ironton, and the Lawrence County Bar and Library. *See Exhibit A.*

### C. History of Ironton.

Ironton has a rich history centering on the iron ore industry. Ironton – which is Ohio’s southern-most city – was founded in 1849 by pioneer ironmaster, railroad developer, and noted slavery abolitionist, John Campbell. Ironton is located on the banks of the Ohio River and was built in the heart of the Hanging Rock Region, an area rich in iron ore and bituminous coal, once known as the largest center of “pig” iron in the world. *See Exhibit A.*

The Detroit, Toledo & Ironton Railroad, known as “The Iron Railway,” was also incorporated in 1849 to haul iron and agricultural products from the fields of Lawrence County to Ironton. The Iron Line opened in 1851 and was one of the earliest operating railroads in Ohio. As both a railroad terminal and port on the Ohio River, Ironton grew quickly and became the county seat of Lawrence County in 1851. *See Exhibit A.*

The success of the iron industry in Ironton’s early days is reflected in its early Victorian style homes and churches. Many of the community’s “Ironmasters” were strong



abolitionists in the periods preceding and during the Civil War and were supporters of the famed “Underground Railroad” for escaped slaves. The Hanging Rock Iron region had over 90 iron furnace complexes which were owned by the Ironmasters. Many furnace complexes provided safe houses and money for slaves who were seeking freedom. The secret routes that runaway slaves followed lie along the same roads as Ironton’s iron furnaces. With the help of the Ironmasters and other supporters of the Underground Railroad, hundreds of escaped slaves were able to reach freedom. *See Exhibit A.*

Ironton also played a large role in the Civil War by providing iron for the manufacture of cannons and one of the country’s first iron clad ships, the USS Monitor. Beginning in 1868, Ironton held its first Memorial Day parade to honor soldiers who fought in the Civil War. The parade is the oldest continuing Memorial Day observance in the country. Today, 136 years later, Ironton’s Memorial Day Parade is attended by up to 50,000 people. Early parades were small and featured forty yokes of oxen. The parade has now grown to more than 3,000 participants. Ironton also celebrates its heritage every summer with its annual “Ironmaster Days” celebration. *Ironmaster Days* brings thousands to the streets of Ironton for its musical entertainment and antique tractor and engine show. *See Exhibit A.*

Ironton also has a history as a football town. Semi-professional football in Ironton began in 1893 with the Irontonians football team. The Ironton “Tanks” were later formed in 1919 as a combination of two cross-town rival football teams composed of returning World War I veterans and former local high school stars. The Tanks played other Midwest semi-professional football teams and were part of the American Professional Football Association, which later became the National Football League (NFL) in 1930. The Tanks played for 12 years in front of large crowds and were known nationally for defeating teams from large cities like the Chicago Bears and the New York Giants. The team accumulated a record of 85-14-19 before it was disbanded in 1931, with several of its players going on to careers in the NFL. In 2002,

Tanks Memorial Stadium in Ironton was recognized by the Ohio Historical Society with a historical marker. Ironton residents value the town's rich history and have recorded it pictorially in a large mural on its floodwall facing the Ohio River. *See Exhibit A.*

D. Historic Places.

Other historical spots in Ironton include the early 1850's Victorian brick home of town founder, John Campbell, which includes hidden rooms used conceal slaves from the Underground Railroad; The Lawrence County Museum, a Victorian-Italian Villa built for Colonel Gray, one of the town's early Ironmasters; and the Norfolk and Western Railroad Depot. Just outside of town, in the Wayne National Forest, is the Vesuvius Iron Furnace. The Vesuvius furnace was the first to adopt the revolutionary hot blast method of iron production. The furnace, built in 1833, played a key role in the nation's iron industry and supported hundreds of workers and their families. The Vesuvius furnace produced 10 tons of iron each day until its final blast in 1906. The area surrounding the furnace is now a popular recreation area with lakes. *See Exhibit A.*

E. Community religious, civic and charitable organizations, activities, and businesses.

There are over 50 churches of varying denominations located in Ironton, including the Calvary Baptist Church, the First Baptist Church of Ironton, the Mt Olive Baptist Church, the Church of Christ, the First Church of the Nazarene, First Tabernacle Church, Quinn Chapel AME Church, Saint Mary's of Pine Grove Church, Christ Episcopal Church, Jehovah's Witnesses, St. Paul Lutheran Church, First United Methodist Church, and First Presbyterian Church. *See Exhibit A.*

The community of Ironton is served by numerous local civic and charitable organizations, some of which include the following: Lawrence County Genealogy Society, 4-H programs, American Association of University Women-Ironton Branch, American Legion #433,

American Legion Auxiliary, Boy's and Girl's Club Ironton/Lawrence County, Buckeye Southern Quarter Horse Club, Catholic Community Charity Fair, Child Welfare Club, Child Welfare Mission Ladies Auxiliary, Co-Operative Club of Ironton, Elks Club #177, Ironton Co-Operative Club, Ironton Council for the Arts, Ironton Country Club, Ironton Lion's Club, Ironton Rotary Club, Ironton Music Club, Ironton/Lawrence Community Action Organization, Ironton National Little League, Knights of Columbus, Lawrence Lodge #198, National Food Association, Order of the Eastern Star, Royal Arch Masons – LaGrange, St. Joe Catholic Women's Club, Veterans of Foreign Wars Post 8850, and United Commercial Travelers Ironton Council #176. *See Exhibit A.* Many other organizations are listed in Exhibit A attached hereto.

Each year Ironton hosts a number of annual community events which reflects that its residents share common interests and identify with their community. This year Ironton hosted a Spring Victorian Tea/Style Show in late April and its annual Memorial Day Parade. Additional annual events and activities in Ironton this year will include the Ironton Artist's Outdoor Show, the Farmer's Market (both in September), Haunted Tunnel (late October), Halloween Parade (late October), Ironton Co-op Craft Show (Ironton High School – November), Christmas Victorian Tea/Style Show (early December), and Co-op Home Tour (December). *See Exhibit A.*

There are over 15 medical facilities in Ironton, including the Bellefont Medical Center, the Bryant Health Center, Coal Grove Pediatrics, Ironton Family Medical Center, Ironton Hills Medical Center, Kemp Family Medical Center, Jo Lin Health Center, Ohio Medical Center, and University Pediatrics. There are approximately 37 physicians and 13 dentists with offices in Ironton. Ironton residents can receive prescription drugs from local pharmacies such as Bentley Express Pharmacy, CVS Pharmacy, Rite Aid Pharmacy, and Staley's Pharmacy which has two locations in Ironton. *See Exhibit A.*

In recent years the Liebert Corporation, a division of Emerson Electric Company, opened a manufacturing facility that makes industrial and computer air conditioners. Liebert

Corporation is Ironton's largest employer and employs approximately 300 persons. Ironton's other major employers include Sunoco Chemicals, which produces oil and petroleum products such as Phenol, Acetone and Aniline, and Dow Chemical whose Ironton plant produces Styrofoam®, Polystyrene pellets, Ethafoam®, and expanded Polyethylene foam. Other industrial companies with offices in Ironton include Aristech Chemical Company, Scott Chemical Company, and Temco (an equipment company). *See Exhibit A.*

Ironton also is served by electric, heating and gas companies such as American Electric Power, General Electric, George Electric Supply Company, Ohio Valley Energy Services Inc., and Blue Flame LP Gas. *See Exhibit A.*

There are six banks in Ironton, two of which have more than one office: Classic Bank, Lawrence Federal Savings Bank, Liberty Federal Savings Bank, National City Bank (with offices at 314 Park Avenue and 701 High Street), Ohio River Bank, and US Bank (with offices at 120 S. 3rd Street and 2301 S. 3rd Street). *See Exhibit A.*

There are dozens of commercial and retail establishments located within the city of Ironton, as reflected in the attached business listing. The Ironton Business Association and the Greater Lawrence County Chamber of Commerce promote business development in the city. The city also has established its own Port Authority which is comprised of a five-member volunteer board of directors and is joined by its Mayor, John Elam. The Port Authority is an independent group that is designed to perform a variety of economic development projects. According to the *Ironton Tribune*, the Port Authority has elected its officers and the members are "excited about trying to make things happen in the city" with respect to economic and business development. *The Ironton Tribune* July 10, 2004 (copy appended hereto as Exhibit B).

Ironton residents have the convenience of shopping at the Ironton Hills Shopping Center, which includes an Ames department store. Other places to shop in Ironton include Big Lots, Village Variety, Unger's Shoe Store, and Weber's Florists & Gifts. There are numerous

grocery and convenience stores in Ironton, including 10th Street Market, Bartram & Son, Lambert's Market, Forth's Foodfair, Grandview Food & Drug Outlet, and University Mart. *See* Exhibit A.

The residents of Ironton also have a wide selection to choose from when selecting a new or used car as there are approximately a dozen car dealers in Ironton, including Second Street Auto Sales, Bob Clyse Oldsmobile-GMC, Harmon Motor Sales Inc., Higgins Chevrolet (two locations), Integrity Motor Vehicles Inc., Iron City Auto Sales, Ironton Auto Sales, and Jerrold's Auto Sales. *See* Exhibit A. Ironton also has several sporting goods, hardware stores and computer stores, including Bob Linn Sporting Goods, McFann's Hunting Supply Tackle Box, Vic's Bait & Tackle Shop, BC Tool & Party Rentals, Central Hardware & Furniture, Iron City Hardware Co., Nichols Doors & Hardware, Edp Enterprises, and Lighthouse Wholesale Computer. There are also a variety of restaurants, insurance companies, and a travel agency in Ironton. *See* Exhibit A.

As demonstrated above, Ironton has a rich cultural history. There are numerous local government, business, civic and charitable organizations in the community. Some of the local businesses identify with the city's history by using "Ironton" or "Iron" in their name, such as the Ironton Hills Shopping Center, Iron City Auto Sales, Ironton Auto Sales, and Iron City Hardware, Co.

#### **IV. Portsmouth Will Continue to be Served by a Full-Power Transmission Service.**

The Commission generally grants proposals to change a station's community of license where its existing community will retain a local transmission service. In this case, the residents of Portsmouth will continue to receive local television service from television station WPBO(TV), Portsmouth, which is licensed to The Ohio State University ("OSU"). OSU has already constructed its digital facility for WPBO-DT. *See* BLEDT-20040323ATV. The

continued operation of WPBO in Portsmouth is consistent with *Modification of FM and TV Authorizations to Specify a New Community of License*, 5 FCC Rcd at 7097. *See Valley Broadcasters, Inc.*, 5 FCC Rcd 2785, 2788 (1990); *Upper Sandusky and Caledonia, Ohio*, 19 FCC Rcd 3449, 3450 (2004).

**V. The Proposed Amendments to the Analog and DTV Table of Allotments Comply with the Commission's Rules.**

As demonstrated in the attached Engineering Statement of Roy P. Stype, III (annexed hereto as Exhibit C), the exchange of WHCP's NTSC and DTV allotments complies with all community coverage and interference requirements. The proposed NTSC operation on Channel 17 from the allotment reference point would comply with all applicable spacing requirements, would not cause prohibited interference to any authorized NTSC, DTV, or Class A LPTV station or allotment, and would fully comply with the applicable protection requirements with respect to all land mobile facilities operating in the UHF television band.<sup>5</sup> WHCP's operation from the proposed reference point also would provide the required principal city-grade coverage over Ironton in accordance with Section 73.685(a) of the Commission's rules. *See* Exhibit C at 2.

The attached Engineering Statement also demonstrates that the proposed digital operation on Channel 30 at Ironton would comply with the Commission's community coverage and interference requirements. Section 73.623(c)(2) of the Commission's rules provides that a petition to modify a channel allotment included in the initial DTV Table of Allotments must demonstrate that the requested change will not result in more than an additional two percent (2%) of the population served by another station being subject to interference. In addition, no new interference may be caused to any station that already receives interference to ten percent

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<sup>5</sup> As noted in the attached Engineering Statement, complete documentation establishing compliance with these protection requirements will be submitted as a supplement to this Petition. *See* Exhibit C at 2-3.

(10%) or more of its population, or that would result in a station receiving interference in excess of ten percent (10%) of its population. *See Hartford, Connecticut*, 18 FCC Rcd 93, 95 (Med. Bur. 2003). The proposed DTV Channel 30 operation is in full compliance with the 2%/10% interference criteria. Complete documentation establishing compliance with these protection requirements will be submitted as a supplement to this Petition. Moreover, the proposed DTV Channel 30 operation is in full compliance with the principal community coverage requirements of Section 73.625(a) of the Commission's rules. *See Exhibit C at 8.*

#### **VI. The Reallocation Proposal Would Provide Substantial Public Interest Benefits.**

The proposal to change the community of license of WHCP from Portsmouth to Ironton and exchange the station's analog and digital allotments would provide substantial public interest benefits. As stated above, a grant of this Petition would provide the community of Ironton with its first local television service, which would promote the objectives of Section 307(b) of the Communications Act of providing a fair, efficient and equitable distribution of television broadcast stations among the various states and communities. 47 U.S.C. §307(b). *See National Broadcasting Co. v. U.S.*, 319 U.S. 190, 217 (1943) (describing a goal of the Communications Act to "secure the maximum benefits of radio to all the people of the United States"); *FCC v. Allentown Broadcasting Co.*, 349 U.S. 358, 359-62 (1955) (describing a goal of Section 307(b) to "secure local means of expression"). In addition, the proposed reallocation of WHCP from Portsmouth to Ironton would promote the second television allotment priority established in the *Television Allocation Order* of providing each community with at least one television broadcast station. 41 FCC at 167.

A grant of this proposal also would permit WHCP to provide a substantially improved and expanded service. With its existing licensed facility, WHCP(TV) provides Grade B service to 461,881 persons over an area of 10,557.7 square kilometers (sq. km). As a result of

the community of license change and exchange of allotments, WHCP(TV) would serve 926,815 persons over 23,024.3 sq. km, which represents a net gain of 464,934 persons and 12,466.6 sq. km. See Exhibit C at Table 2.1 The gain in population served would be 100.7%. There would be 54,613 people who no longer would be able to receive service from WHCP(TV), which is 11.8% of the station's existing service area.<sup>6</sup> *Id.*

With respect to WHCP-DT, the facilities authorized by the Channel 17 WHCP-DT construction permit would serve 490,732 persons over an area of 11,806.8 sq. km. The reallocation proposal would enable WHCP-DT to serve 1,147,942 persons over an area of 31,611.3 sq. km. This represents a gain of 657,210 persons over 19,804.5 sq. km. This constitutes a gain in population of 133.9%. The proposed new DTV facility would result in the removal of potential service to 42,146 people or 8.6% of WHCP-DT's authorized service area.<sup>7</sup> See Exhibit C at Table 3.1. However, there would be no loss of digital service because the facilities authorized in the WHCP-DT construction permit have not been implemented.<sup>8</sup> The Commission has not been concerned with the removal of potential service from a community. *Linden, White Oak, Texas, et al.*, 16 FCC Rcd 10853, 10855 (Alloc. Br. 2001); *Chatom and Grove Hill, Alabama*, 12 FCC Rcd 7664, 7665 (Alloc. Br. (1997); *Farmington and Gallup, New Mexico* 11 FCC Rcd 2357, 2360 (Alloc. Br. 1996), *recon. denied*, 14 FCC Rcd 18983 (1999).

The DTV reference allotment for WHCP-DT is predicted to provide noise limited service to a population of 476,004 over an area of 12,699.2 sq km. The proposed reallocation of

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<sup>6</sup> Approximately one-half (50%) of the loss area is outside the Charleston-Huntington DMA, in which WHCP(TV) is located. As indicated in the attached Engineering Statement, complete documentation regarding the gain and loss areas will be submitted as part of a supplement to this Petition. See Exhibit C at 3.

<sup>7</sup> At least two-thirds (66%) of the area from which the potential new digital service would be removed is located outside the Charleston-Huntington DMA. Complete documentation regarding the gain and loss areas will be submitted as part of a supplement to this Petition. See Exhibit C at 9.

<sup>8</sup> See File No. BEDSTA-20040426ACN.



DTV Channel 30 to Ironton would result in a net gain of 671,938 persons over 18,912.1 sq. km. This represents a population gain of 141.2%. See Exhibit C at Table 3.2. Although there would again be a removal of potential service to 64,494 persons or 13.5% of the allotment reference population, as stated above, the Commission has not been concerned with the removal of potential service from a community. *Linden, White Oak, Texas, et al.*, 16 FCC Rcd at 10855.

A grant of this Petition also would provide an additional public interest benefit because it would permit WHCP-DT to locate its digital facilities at the Barker's Ridge antenna farm which overlooks the Charleston-Huntington area. Permitting WHCP-DT to locate its transmitting facilities at the Barker's Ridge antenna farm would enable the station to operate from the same location as many of the other Charleston-Huntington-area digital stations. The Commission has previously recognized that it is important to have many of the digital antennas near one another in the same television market because of the directional nature of DTV receive antennas. Therefore, WHCP-DT's operation from the Barker's Ridge antenna farm would provide an additional public interest benefit not only to WHCP-DT, but to the residents of Ironton and the surrounding service area as well.

If this Petition is granted, Petitioner will file construction permit applications for the channel reallocations proposed herein and specify the new community of license. Upon grant of those applications, Petitioner will promptly construct the modified facilities at Ironton, Ohio.

CONCLUSION

WHEREFORE, in light of the foregoing, Petitioner respectfully requests that the Commission accept this Petition for Rule Making, issue a Notice of Proposed Rule Making, and, after the requisite notice and comment period, amend the Tables of Allotments (Sections 73.606(b) and 73.622(b) of the Commission's rules) in the manner requested herein and modify WHCP's respective authorizations to provide the community of Ironton with its first local television service.

Respectfully submitted,

TELEVISION PROPERTIES, INC.

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Washington, DC 20037-1526  
(202) 955-6631

By:   
Andrew S. Kersting

Its Counsel

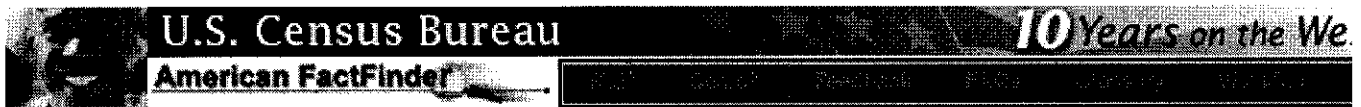
July 21, 2004

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**EXHIBIT A**

# **EXHIBIT A**

## **Information Regarding Ironton, Ohio**



P1. TOTAL POPULATION [1] - Universe: Total population

Data Set: Census 2000 Summary File 1 (SF 1) 100-Percent Data

NOTE: For information on confidentiality protection, nonsampling error, and definitions, see <http://factfinder.census.gov/home/en/datanotes/expsf1u.htm>.

	<b>Ironton city, Ohio</b>
<b>Total</b>	11,211

U.S. Census Bureau  
Census 2000

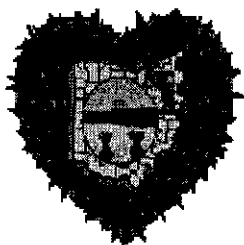
**Standard Error/Variance documentation for this dataset:**

Accuracy of the Data: Census 2000 Summary File 1 (SF 1) 100-Percent Data (PDF 44KB)

Annual Estimates of the Population for Incorporated Places in Ohio, Listed Alphabetically: April 1, 2000 to July 1, 2003							
Geographic Area		Population estimates				April 1, 2000	
		July 1, 2003	July 1, 2002	July 1, 2001	July 1, 2000	Estimates base	Census
Holgate village	Ohio	1,181	1,184	1,179	1,192	1,194	1,194
Holiday City village	Ohio	49	49	49	49	49	49
Holland village	Ohio	1,319	1,316	1,311	1,307	1,306	1,306
Hollansburg village	Ohio	211	211	212	214	214	214
Holloway village	Ohio	334	337	338	344	345	345
Holmesville village	Ohio	410	405	397	388	386	386
Hopedale village	Ohio	986	975	967	969	968	984
Hoytville village	Ohio	299	299	299	296	296	296
Hubbard city	Ohio	8,105	8,171	8,227	8,276	8,288	8,284
Huber Heights city	Ohio	38,240	38,125	38,105	38,230	38,224	38,212
Hudson city	Ohio	23,053	22,888	22,725	22,504	22,439	22,439
Hunting Valley village	Ohio	717	724	731	735	735	735
Huntsville village	Ohio	436	441	445	452	454	454
Huron city	Ohio	7,718	7,758	7,854	7,932	7,943	7,958
Independence city	Ohio	7,096	7,126	7,105	7,110	7,109	7,109
Irondale village	Ohio	413	414	416	419	420	418
Ironton city	Ohio	11,230	11,194	11,283	11,303	11,306	11,211
Ithaca village	Ohio	100	100	101	102	102	102
Jackson city	Ohio	6,159	6,180	6,102	6,168	6,189	6,184
Jacksonburg village	Ohio	70	69	68	67	67	67
Jackson Center village	Ohio	1,461	1,437	1,398	1,379	1,375	1,369
Jacksonville village	Ohio	568	558	552	545	544	544
Jamestown village	Ohio	1,881	1,888	1,899	1,916	1,919	1,917
Jefferson village	Ohio	3,534	3,541	3,549	3,568	3,572	3,572
Jeffersonville village	Ohio	1,257	1,266	1,273	1,287	1,288	1,288
Jenera village	Ohio	234	234	234	234	235	235
Jeromesville village	Ohio	483	479	478	478	478	478
Jerry City village	Ohio	456	456	456	453	453	453
Jerusalem village	Ohio	151	151	152	152	152	152
Jewett village	Ohio	788	786	781	784	784	784
Johnstown village	Ohio	3,650	3,523	3,442	3,440	3,440	3,440
Junction City village	Ohio	857	841	830	820	818	818
Kalida village	Ohio	1,093	1,080	1,073	1,058	1,055	1,031

Annual Estimates of the Population for Incorporated Places in Ohio, Listed Alphabetically: April 1, 2000 to July 1, 2003							
Geographic Area		Population estimates				April 1, 2000	
		July 1, 2003	July 1, 2002	July 1, 2001	July 1, 2000	Estimates base	Census
Perry village	Ohio	1,225	1,218	1,206	1,197	1,195	1,195
Perrysburg city	Ohio	16,840	16,884	16,982	17,008	17,026	16,945
Perrysville village	Ohio	830	822	819	816	816	816
Phillipsburg village	Ohio	620	620	624	627	628	628
Philo village	Ohio	765	766	766	769	769	769
Pickerington city	Ohio	12,627	10,970	10,247	9,771	9,792	9,792
Piketon village	Ohio	1,962	1,930	1,907	1,909	1,907	1,907
Pioneer village	Ohio	1,431	1,441	1,453	1,465	1,466	1,460
Piqua city	Ohio	20,728	20,703	20,719	20,749	20,746	20,738
Pittsburg village	Ohio	389	388	389	392	392	392
Plain City village	Ohio	3,167	3,051	2,939	2,856	2,836	2,832
Plainfield village	Ohio	160	159	160	158	158	158
Pleasant City village	Ohio	441	440	438	439	439	439
Pleasant Hill village	Ohio	1,131	1,130	1,132	1,134	1,134	1,134
Pleasant Plain village	Ohio	159	158	157	157	156	156
Pleasantville village	Ohio	861	866	866	865	877	877
Plymouth village	Ohio	1,866	1,859	1,855	1,875	1,878	1,852
Poland village	Ohio	2,780	2,799	2,831	2,859	2,866	2,866
Polk village	Ohio	355	352	354	356	357	357
Pomeroy village	Ohio	1,997	1,985	1,958	1,962	1,966	1,966
Portage village	Ohio	422	424	427	428	428	428
Port Clinton city	Ohio	6,316	6,312	6,337	6,384	6,391	6,391
Port Jefferson village	Ohio	322	322	322	321	321	321
Portsmouth city	Ohio	19,913	20,507	20,593	20,851	20,909	20,909
Port Washington village	Ohio	559	557	554	553	552	552
Port William village	Ohio	258	257	258	258	258	258
Potsdam village	Ohio	206	205	204	203	203	203
Powell city	Ohio	8,179	7,280	6,675	6,323	6,266	6,247
Powhatan Point village	Ohio	1,719	1,725	1,725	1,739	1,744	1,744
Proctorville village	Ohio	615	612	615	619	620	620
Prospect village	Ohio	1,157	1,167	1,178	1,188	1,191	1,191
Put-in-Bay village	Ohio	141	137	135	132	131	128
Quaker City village	Ohio	566	564	562	562	563	563

# **LAWRENCE COUNTY OHIO**



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**SURROUNDED BY:**

**NORTHWEST**  
Jackson County

**NORTHEAST**  
Gallia County

**EAST SOUTHEAST**  
West Virginia

**SOUTHEAST**  
West Virginia

**SOUTHWEST**  
Kentucky

**WEST**  
Scioto County

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## **COUNTY INFORMATION**

1895 Map of Ohio  
(Click on Thumbnail  
for Large Map)



Map modified with permission  
of Ray Sterner from  
<http://fermi.jhuapl.edu/states>

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## **DATE CREATED**

1815

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## **PARENT COUNTY**

Gallia, Scioto

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## **COUNTY SEAT**

Ironton



**MAGGIE'S SKELETON  
CLOSET AKA PLACES  
TO SEEK YOUR  
ANCESTORS**





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**Lawrence County Probate Court  
Fifth and Park Avenue  
One Veteran's Square  
Ironton, Ohio 45638-0000  
740-533-4300 or 1-800-734-2470**

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**Lawrence County Health Dept  
2122 S 8th St, Ironton, OH 45638  
740-532-3962**

**Ironton City Health Dept  
2120 S 8th St, Ironton, OH 45638  
Attn: Penny Jiles, Registrar  
740-532-2172**

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**Briggs Lawrence County Public Library  
Hamner Room  
321 South 4th Street  
Ironton, OH 45638  
740-532-1124 or 740-867-3080  
Fax: 740-532-4948  
E-Mail: [genblc@oplin.lib.oh.us](mailto:genblc@oplin.lib.oh.us)  
Library Online at <http://blcpl.library.net/>  
Hours Library is open for research:  
Mon, Tues and Thur 9:00 AM-8:30 PM  
Wed, Fri, and Sat 9:00 AM-5:30 PM**

**Flatwoods Public Library  
1705 Argillite Rd, Flatwoods, KY 41139  
606-836-3771**

**Boyd County Public Library  
1740 Central Ave, Ashland, KY 41101  
606-329-0090**

**Boyd County Public Library  
1016 Summitt Rd, Ashland, KY 41102  
606-928-3366**

**Lawrence County Genealogy Society**